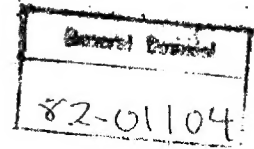


EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503



GENERAL COUNSEL

February 3, 1982

FEMA Review Completed.

Honorable William J. Casey
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Casey:

Enclosed is a proposed Executive order entitled "Amending Executive Order 12155 Relating to Strategic and Critical Materials."

In accordance with the provisions of Executive Order No. 11030, as amended, it was submitted to this office, along with the enclosed transmittal letter, by the Federal Emergency Management Agency.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections they should be received no later than Friday, February 26, 1982.

Comments or inquiries may be submitted by telephone to Mr. Ronald A. Kienlen of this office (395-5600).

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael J. Horowitz".

Michael J. Horowitz
Counsel to the Director

Enclosure

OMB Declassification and Release Instructions on
file



Federal Emergency Management Agency

Washington, D.C. 20472

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William M. Nichols, Esquire
General Counsel
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Nichols:

Transmitted herewith is a draft executive order amending Executive Order 12155 to reflect changes in legislation enacted as part of the Omnibus Budget Reconciliation Act of 1981, and to make further clarifications in the delegations of authority made in Executive Order 12155.

Section 1 of the order adds a new sentence to the current assignment to the Federal Emergency Management Agency (FEMA) of responsibilities under section 3 of the Act to determine which materials are strategic and critical and the quality and quantity of materials to be acquired. The revision would authorize other agencies to assist FEMA in making these determinations.

Section 2 would make more clear that the Administrator of General Services, in administering and managing the stockpile, is subject to overall stockpile policy direction of FEMA.

Section 3 modifies Executive Order 12155 to provide that, with respect to the appointment of advisory committees, the Director, FEMA, appoints those which deal with materials for the stockpile, while GSA appoints those which deal with stockpile management. The current Order only provides for appointment by the GSA Administrator.

Section 4 places a requirement on the Secretaries of Commerce, Defense, and State to report bi-annually to FEMA on their activities under the Act. Presently the Secretaries of the Interior and Agriculture, and the Administrator of General Services make such a report. FEMA then submits a report covering all agencies to the Congress.

Section 5 adds a number of new sections to the Executive Order, all but one of which are based on new assignments made in the Omnibus Budget Reconciliation Act of 1981, as amended. That law amended the Stock Piling Act in a number of regards.

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New section 1-107 provides that the Director, FEMA, will make a full statement to the Congress on significant changes in the Annual Materials Plan (see section 1-108 below) made after submission of that Plan to the Congress. This function is set out in revised section 5(a) of the Stock Piling Act.

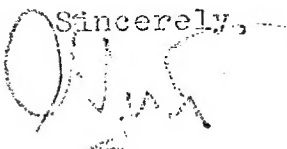
New section 1-108 provides for the submission to Congress by the Director, FEMA, of an Annual Materials Plan for the operation of the stockpile during the next fiscal year. This requirement was added to the Act in new section 11(b) of the Stock Piling Act. The order provides also for assistance to FEMA in preparing the Plan by a number of agencies.

New section 1-109 and 1-110 would clarify the assignment of responsibilities under present section 7 of the Act which provides special disposal authority.

New section 1-111 implements the authorities to dispose of specific amounts of materials from the stockpile in FY 1982, 1983, and 1984. This was granted to the President by sections 201(a)-(c) of the Omnibus Budget Reconciliation Act. Consistent with other delegations of disposal authority, this authority is granted to the Administrator of General Services subject to the policy direction of the Director, FEMA.

A new section 1-112 delegates to the Director, FEMA, the responsibility to make special reports concerning silver to the Congress. Section 201(f) of the Omnibus Budget Reconciliation Act of 1981 and section 788 of the Department of Defense Appropriation Act of 1982 (Public Law 97-114) in similar language require such a report.

Sincerely,


George Jett
General Counsel

Enclosures

EXECUTIVE ORDER

Amending Executive Order 12155 Relating to
Strategic and Critical Materials

By the authority vested in me as President of the United States by the Constitution and laws of the United States, including but not limited to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.); and the Omnibus Budget Reconciliation Act of 1981, as amended (Public Law 97-35), Executive Order 12155 of September 10, 1979, is amended as follows:

SEC. 1. At the end of section 1-101, add a new sentence: "Upon request, the Secretaries of the Interior, Commerce, Defense, and the heads of other Federal agencies, as appropriate, shall, within their area of expertise, assist the Director of the Federal Emergency Management Agency in carrying out these functions."

SEC. 2. In section 1-102 following the words "General Services" add the following: "subject to the policy direction of the Director of the Federal Emergency Management Agency."

SEC. 3. In section 1-104, delete all following "50 U.S.C. 98h-1)" and substitute the following: "concerning expertise relating to materials in the stockpile are delegated to the Director of the Federal Emergency Management Agency, and those concerning expertise in stockpile management are delegated to the Administrator of General Services."

SEC. 4. In section 1-105, after the word "Interior," insert the following: "Commerce, Defense, State."

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SEC. 5. The Order is further amended by adding the following new sections:

"1-107. The functions vested in the President by section 5(a) of the Act, as amended by section 203(a) of the Omnibus Budget Reconciliation Act of 1981 (Pub.L. 97-35), are delegated to the Director of the Federal Emergency Management Agency.

"1-108. The functions vested in the President by section 11(b) of the Act, as amended by section 203(e) of the Omnibus Budget Reconciliation Act of 1981 (Pub.L. 97-35), are delegated to the Director of the Federal Emergency Management Agency. Upon request, the Secretaries of Commerce, Defense, State, Agriculture, Energy, Treasury, Interior, the Directors of Central Intelligence Agency and the Office of Management and Budget, and the Administrator of General Services, and the heads of other Federal agencies, as appropriate, shall, within their areas of expertise, assist the Director of the Federal Emergency Management Agency with the preparation of the Annual Materials Plan and any amendments thereto. Such assistance shall include, without limitation, guidance on such matters as the strategic implications, market impacts, and international economic impacts of the proposed Annual Materials Plan.

"1-109. The functions vested in the President under section 7(a)(1) of the Act (50 U.S.C. 98f(a)(1)) are retained solely in the President; however, the Director of the Federal Emergency Management Agency is hereby authorized and directed to

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advise the President as to the need for release from the stockpile of such materials as are required for purposes of the national defense, and the Secretaries of Commerce and Defense are hereby authorized and directed, each within his area of expertise, to assist the Director of the Federal Emergency Management Agency in the performance of this advisory function.

"1-110. The functions under section 7(a)(2) of the Act (50 U.S.C. 98f(a)(2)) to issue orders, in time of war declared by Congress or during a national emergency, for the release from the stockpile of such materials as he determines to be required for purposes of the national defense, are delegated to the Director of the Federal Emergency Management Agency.

"1-111. The functions vested in the President by sections 201(a), (b), and (c) of the Omnibus Budget Reconciliation Act of 1981 (Pub.L. 97-35) are hereby delegated to the Administrator of General Services, subject to the policy direction of the Director, Federal Emergency Management Agency..

"1-112. The functions vested in the President by section 201(f) of the Omnibus Budget Reconciliation Act of 1981 (Pub.L. 97-35) and section 788 of the Department of Defense Appropriation Act, 1982 (Pub.L. 97-114) are hereby delegated to the Director, Federal Emergency Management Agency."